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ARTICLES

INTRODUCTION TO THE COMPACT WITH THE PEOPLE

Rev. Paul J. Goda, S.J.*

As Chair of the steering committee for the Institute on the Bicentennial of the United States Constitution at Santa Clara University from January to March, 1987, it is with some pride that I write this introduction to the publication of Congressman Peter W. Rodino's speech. The steering committee established the following purpose for the Institute:

This year's Institute is an educational endeavor celebrating the Bicentennial of the U.S. Constitution. Our intention is not just to look backward in commemoration but to help others — our students in particular — to look forward. Our challenge is to analyze how our government works, to realize the moral implications of the national community we have formed.

We tried to fulfill this challenge to ourselves by getting authoritative and provocative speakers with different points of view. Arthur Schlesinger, Jr. was matched with Professor James Q. Wilson. Both asked how a government formed 200 years ago could last into a vastly different world. Mr. Michael Novak and Dr. Mary Frances Berry emphasized seemingly contradictory arenas of our national existence. Mr. Novak showed how the Constitution nourished the creative need to protect and vitalize the economic structures of our society. Dr. Berry described our failures and our possibilities in our attempts to protect and engender civil rights.

Finally, we were fortunate in obtaining Congressman Rodino's assent to speak at the Institute. Congressman Rodino will not be an

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unknown to history. His twenty terms, so far, in the House of Representatives and his service on the House Judiciary Committee at times of constitutional crisis, entitle him to public honor. But it is for his integrity and kindness and wisdom that we praise him.

I would like to believe that someone will do research at the tricentennial or quadricentennial celebration of the Constitution and find Congressman Rodino's lecture printed here in a copy of the *Santa Clara Law Review*. That unknown person 100 or 200 years from now will read in this speech something which goes beyond the technical analysis of the law which usually finds its way into the dry pages of our law journals. That person will find in Congressman Rodino's words a living hope in the principles of our government, not just the principles of political science, such as the separation of powers, but also the human capacity for justice and trust.

When I asked that this lecture be printed in the *Law Review*, I realized that portions of it are partisan. One of the *Law Review* editors quite properly objected that the *Law Review* is not meant to be a forum for partisan opinion. I have no quarrel with that, but I suggested that Congressman Rodino focused on an approach to the Constitution that we must all share, whatever our political persuasion. *The Compact With the People* must be based on a covenant of trust under which we can rule ourselves.

There is no doubt that the separation of powers is built on a carefully cynical view of the weakness of humanity. The Constitution, like any frame of government, must give protection against misuse of power. But having said that, we must still build the everyday structures of government on a foundation of trust by which we live together without continual stress and hatred.

All of our lectures fulfilled our purpose "to realize the moral implications of the national community we have formed." Congressman Rodino's speech exemplified that purpose by his own personal history, by his position of power, and by his subject matter. We were grateful for his presence, and hand his words on to our posterity. In our time, we are the posterity of the framers of the Constitution who must hand on to another generation what the preamble of the Constitution transmitted to us as a challenge . . .

THE COMPACT WITH THE PEOPLE*

Representative Peter W. Rodino, Jr.**

When 55 delegates assembled in Philadelphia 200 years ago, they had no intention of producing a new constitutional document. They met to revise the Articles of Confederation, which had proven woefully inadequate in holding together thirteen small but fiercely independent republics. But their revision efforts never materialized. Instead, during a ferociously hot Philadelphia summer, stormy debates ensued that reopened the question of just what the "grand experiment" of '76 was supposed to produce in practice. It was a difficult period of self-examination, a third of the delegates simply gave up and returned home. Only the moral force of Washington, sitting as Chairman, and Franklin, as the house elder, held the remaining delegates together so that essential compromises could be reached. The "127-day ordeal", as Madison later referred to it, ended with agreements on a four-page, handwritten document that changed the course of world history forever.

If ever a joyous celebration was in order to commemorate what free men can achieve, the Bicentennial of our Constitution is such an event. But for a number of reasons, this anniversary is a time of serious reflection and thoughtful observance — much more so than perhaps either the 200th birthday of the Declaration of Independence in 1776, or the centennial of the Statue of Liberty last year.

An unusual array of constitutional stresses and strains have surfaced in the past few years and now engage the country's attention. Foremost among them are the issues brought to the fore by the Iran

* 1987 by Representative Peter W. Rodino, Jr.

* Address by Representative Peter W. Rodino, Jr., Bicentennial Institute Lecture Series, Santa Clara University School of Law, February 19, 1987.

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arms affair, which cut to the heart of the workings of our constitutional system. When laws are broken or conveniently ignored, when the people and their elected representatives are bypassed in the information process, when covert actions replace regular foreign policy making channels, then the responsible parties — no matter who they are — must be held accountable to the sovereign people under the laws of the land.

But there are also other assaults on the basic framework of the document we honor this year, there are those who now urge that constitutional issues be judged solely by the framers' "original intent", who question whether the Supreme Court's decisions really constitute the law of the land and who question the application of the Bill of Rights to citizens affected by state actions. Equally pressing is the question of whether we in government are really fulfilling our responsibility to provide for the "general welfare" and the "blessings of liberty" for all Americans and all posterity, as pledged by the framers.

Taken together, these challenges raise the question for some of whether the Constitution — for all its flexibility and strength — is capable of meeting the demands of the modern era. Others wonder about the system's capacity for self-correction.

In reflecting on these questions, I find myself — as I have so many times over the past years — returning to the preamble:

We the people of the United States in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

In this single paragraph, the framers succeeded in establishing the democratic framework of our new republic. It was to be a government as concerned about the general welfare of its people as about the common defense. It was to be a government dedicated to bringing justice and the blessings of liberty not to just one class or group, but to all the people — and not just for the present, but for our posterity.

But the vision and promise of the new republic was not immediately apparent to all the assembled delegates at the Constitutional Convention in 1787. The proceedings reveal that the precise phrasing, syntax and form of the preamble underwent more drafts and revisions than some of the very detailed articles that follow. Thus, on August 6, 1787, we do not find the familiar phrase "We the people

of the United States" in the draft ordered reported by the Committee on Style. Instead, the preamble contained a formal, almost legalistic, statement of intent, resembling more the language of a negotiated "treaty" among thirteen sovereign states than a unifying document of cherished principles. The early draft begins: "We the people of the [following enumerated states] establish the following constitution for the government [of the United States"].

Three weeks later, the draft was referred to the Committee of Five, comprised of Doctor Johnson, Alexander Hamilton, Gouverneur Morris, James Madison and Rufus King. For six days, the Committee physically withdrew from the assembly, finally returning to the hall with a brand new version. A remarkable transformation had occurred. No longer did the preamble narrowly refer to the people as only citizens of the "following enumerated states." Instead, the preamble spoke of "We the people of the United States in order to form a more perfect union." No longer did the preamble contain a "utilitarian" statement of intent, whose unconcealed purpose was to diffuse tensions among the states. The preamble now expounded the *very* reasons for government. Such a pronouncement, impossible at the beginning of the convention, was accepted without question at its end.

As I have thought of this history, I continue to marvel at two aspects of the final language adopted by the founding fathers. The first is that balance — a kind of dynamic equilibrium — is the hallmark of the "more perfect union" sought by our founding fathers. Once liberated from purely parochial concerns, they devoted themselves to the multiple, overlapping goals inherent in a free society: "to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare . . ."

All of these avowed purposes for forming the new republic must necessarily dovetail if the system is to work. How can there be national security — a "Fortress America" — if, at the same time we are "providing for the common defense," the American dream is redefined to exclude education, health care or economic productivity. As Madison made clear in the *Federalist Papers*, there are diverse elements of the public good, and the achievement of any government is its success "in mingling them in their due proportions."

The second aspect of the preamble by which I am struck is the unmistakable presence of a *covenant of trust*: "We the people of the United States in order to form a more perfect union . . ." These are words of a compact being entered into — a social compact between the people and each other, and the government. Any breach of that

covenant threatens the very foundation of our democracy. In this time of public questioning of the institutions of government, the social compact with the people is severely strained. The American people have many unanswered questions about the administration's adherence to the laws, the disparity between its public statements and private actions. We have learned from the recent past that these crises of public confidence are not unique to our times. But just as was done in the past in each prior instance, we have openly confronted the crisis by reliance on the rule of law. We can do no less at this moment.

I submit that the Constitution provides the self-correcting forces to restore both equilibrium and trust. In light of some recent events, tonight I particularly want to focus on two such balancing mechanisms — due process of law and separation of powers. I then want to examine the current state of the social compact, 200 years after its inception.

Even before it was written into the Constitution, the phrase "due process of law" had a long history. In the American experience, the phrase first appeared in the act of 1692 of the General Court of Massachusetts Bay. Before that, it was found in an Act of Parliament adopted in 1355 during the reign of Edward III. But the idea behind "due process of law" — that government authority should never be placed above fundamental law — reaches back in time even further. It is really a paraphrase of the words "the law of the land," which the embattled barons, ecclesiastics and burghers compelled King John to acknowledge in a historic meadow in Runnymede in 1215. Even Aristotle, twenty-three centuries ago, envisioned the concept when he said, "[r]ulers ought to be governed by principles of rational generality. . . . [t]he *laws* should be the *rulers*."

The concept was immediately embraced at the federal level of our government. Unfortunately, the guarantees of due process were slow to be acknowledged, let alone safeguarded, in state actions. Finally, in the wake of the Civil War, the fourteenth amendment filled that vacuum on the books — but not necessarily in practice. For the next hundred years, voting rights, the right to be admitted into state educational institutions or the right to qualify for state licenses or other franchises were often subject to arbitrary treatment for some segments of the population.

Given this history, it is highly disconcerting — just as the bicentennial anniversary begins — to hear the chief law enforcement

official of the land advocate a wholesale retrenchment from the guarantees of fair treatment and open access to our institutions of government that are guaranteed by the due process precept. The Attorney General unabashedly seeks to cut back on many due process protections by utilizing what he terms a "jurisprudence of original intention." This ponderous sounding doctrine advocates a return to pre-Civil War days when state governments were not held to the test of guaranteeing the freedoms contained in the Bill of Rights. It maintains that at the moment of conception, the Bill of Rights applied only to the federal government, and thus it was the founding fathers' clear and irrevocable intention not to expand these liberties to citizens affected by the actions of state governments.

This discredited doctrine is not new, and unfortunately, carries the echoes of the very reasoning applied by Justice Taney in the 1857 *Dred Scott* decision. In that case, Chief Justice Taney, in striking down the Missouri Compromise of 1820 as unconstitutional, offered the view that blacks were not persons entitled to citizenship under the Constitution because the original intent of the framers was to conceive of slaves as property. Taney's words are remarkably similar to those contained in many of the Attorney General's recent speeches:

The Constitution must be construed now as it was understood at the time of adoption. It is not only the same words, but the same in meaning . . . and as long as it continues to exist in its present form, it speaks . . . with [the] same meaning and intent as when it came from the hands of the framers. . . .

Interestingly, the proponents of this revisionist line of thought choose to ignore the writings and lives of the framers themselves. Madison, the principal author of the document, never subscribed to this notion. He was unabashed in drawing attention to the fact that he initially opposed the establishment of the first Bank of the United States as being unconstitutional, and then twenty years later, enthusiastically approved the creation of a second Bank. The constitutional text hadn't changed, he later explained, but a "construction [had been] put in the Constitution by the Nation which, having made it, had the supreme right to declare its meaning." He continued, "whatever veneration might be entertained for the body of men who formed the Constitution, the sense of that body could never be regarded as the oracular guide in expounding the Constitution . . . it was nothing but a dead letter, until life and validity was breathed into it by the people. . . ."

I must agree with Madison. The Constitution is a design for

governing, not a static or exhaustive recitation of the relationship between the state and the individual as found in the civil codes of Europe. It lays out the federal architecture for maintaining a delicate balance of forces; but as a political document, it is purposely general, almost minimalist in its mode of expression and explanation. This is particularly true with respect to the notion underlying due process protections. Chief Justice Hughes succinctly explained that the framers "did not attempt to define the meaning of the phrase [due process]. . . . They did so for a very good reason: they wanted protection against tyranny, wherever and however it might hit, and they were careful not to limit by exact definition the guarantee of their liberty."

The Constitution was framed to last centuries, and not to confine a post-industrial society of 250 million people to the specific horizons of thought existing in a largely rural and agrarian society of 200 years ago. This new assault on due process rejects the spirit of the framers' passionate faith in the future and in the Constitution's generality of language and thought to meet changing circumstances. It strikes me as strangely inconsistent for the same people to speak of the Constitution as a "living document" on one occasion and then clamor for "original intent" on another.

Perhaps the most important mechanism for constitutional equilibrium is the separation of powers principle. That too is under assault. Justice Brandeis very clearly described what the doctrine is about, and what it is not: "the doctrine of the separation of powers was adopted by the Convention of 1787 *not* to promote efficiency in government operations, but to preclude the arbitrary exercise of power. The doctrine was *not* adopted to avoid friction, but by means of the inevitable friction incident to distributing power, to save the people from tyranny." In short, the principle is an integral part of what we call the rule of law. Checks and balances — the hallmark of separation of powers — were established in order to ensure that this should be a government of laws and not of men.

Nowhere in the historical and legal writings surrounding the development of separation of powers is there any hint that criticism of the decisions of the Supreme Court, the enacted statutes of Congress, or the acts of the President is counterproductive or destructive of our system. Such criticism is often an essential and wholesome incident of that "inevitable friction," and the first amendment protects it at almost any cost.

But there is a sharp line between criticism and intentional disregard of the law by a branch of government. Just three months ago,

the chief law enforcement official of the land declared that decisions of the Supreme Court "lack the character of law." While he conceded that the parties to the particular case must obey the decision handed down, he went on to say that the Court's rulings do not establish a "supreme law of the land" that is binding on all persons and parts of the government.

The opinion by which he chose to illustrate the point was a 1958 case, signed by all nine Justices, preventing a state's National Guard from physically barring black students from entering a public educational facility. The state argued that all branches of government were equally free to interpret the Constitution. The Court disagreed, citing to the famous 1803 decision of *Marbury v. Madison* in which Chief Justice Marshall established the cardinal principle of judicial review. As Chief Justice Marshall explained, in the discharge of the various functions of the different branches, a separate entity not connected with the making of laws or their execution must independently judge how such actions comport with the Constitution's structure and mandates.

Against the weight of such authority, I find it odd that the nation's chief law enforcement official should encourage the other branches of government — or persons beyond the scope of the direct parties in interest — to substitute their own interpretation of the Constitution. This is a recipe for chaos, delayed justice, endless litigation, and utter disrespect for the rule of law. This is not to say, however, that the Supreme Court's interpretations must be accepted as irrevocable or immutable, or there would be no opportunity for the Court to change its direction as it did in *Brown v. Board of Education*. But the element of intentional disregard of one branch's duly constituted powers has no place in our system of government.

Unfortunately, this unique view of separation of powers is not an abstract point expounded in after-dinner speeches. Two years ago, the then-director of the Office of Management and Budget, acting at the behest of the Attorney General, issued a directive ordering federal agencies to ignore certain provisions of the Competition in Contracting Act that the Justice Department believed to be unconstitutional.

It would have been wholly appropriate for the President to have vetoed the act on the ground that portions of it were unconstitutional — or on any other grounds. But it is an entirely different matter for the President to determine that a bill is unconstitutional, sign it into law, and then refuse to comply with its provisions by directing all executive branch agencies to defy it — actions that amount to a

breach of the President's constitutional duty to "take care that the laws be faithfully executed."

There is no legal or constitutional basis for the President to act as the arbiter of constitutionality. The authors of our Constitution — fresh from the colonial experience with unbridled royal power — set explicit lines of authority for each branch of government, including the President.

Under the doctrine of separation of powers, only the courts have the authority to determine the constitutionality of laws. Indeed, all laws are presumed valid until the courts decide otherwise. The President, no less than the average citizen, must therefore comply with them.

That matter has now been resolved, but I regret to say that the Administration originally contended that the Executive Branch may unilaterally refuse to comply with a duly enacted and presumptively valid statute. This is a radical assertion of unbridled executive authority, and clearly would result in a profound and dangerous shift in the balance of powers.

One rarely used constitutional mechanism at the core of the separation of powers doctrine is the impeachment process set out in the Constitution. As you know, twice in the past fifteen years, I have been called upon as Chairman of the House Judiciary Committee to preside over impeachment proceedings — once, involving a President, and just recently, a member of the Federal Judiciary. Under article II of the Constitution, the power of impeachment and removal is exclusively vested in the Congress — that branch of government most closely representative of the people.

At the time of the impeachment proceedings involving President Nixon, there was voiced from many quarters great trepidation that the system might fail — that it might not be able to survive the strains of those wrenching deliberations to which all the nation would bear witness. The participating members of the Committee came to understand that our constitutional system was being tested, and therefore, all ideology, party affiliation, and parochial interests had to be set aside. Our actions on the Judiciary Committee had to meet standards of only one test, those imposed by the words of article II of the Constitution (and, of course, I might add parenthetically, those underlying the preamble — the covenant of trust with the people.) In the end, the social compact was maintained, and the system survived.

During the summer and fall of 1986, the impeachment process was again triggered in the first impeachment trial of a federal judi-

cial official in over fifty years. The impeachment also involved unique circumstances in our history, a judge who had been convicted of felonious criminal conduct while in office, who had exhausted all direct legal appeals in the federal courts and who had been incarcerated for his crimes. Despite these extraordinary circumstances, the official refused to resign from the bench, and consequently, continued to receive his judicial salary and other emoluments of office. Understandably, many citizens called for a summary removal from the federal payrolls.

Removal from office, however, was only possible through impeachment, a procedure purposely made difficult, even unwieldy, by the framers. They believed that the independence of the judiciary had to be carefully protected and insulated from political tampering that would occur if judges served at the pleasure of changing executive officials. To ensure that impeachment was not used as a political weapon against public officials or otherwise abused, the Constitution requires that the House of Representatives consider any accusations of "high crimes and misdemeanors" by federal civil officials and vote whether a trial on those charges is warranted. If the vote is in favor of impeachment, then it is left to the Senate to independently conduct a trial on the charges and vote on the question of removal from office. Obviously, such an elaborate, even prolonged, procedure would only be invoked in extraordinary circumstances where a violation of public trust has occurred.

As had occurred during the 1973 impeachment proceedings, concern was again voiced during the recent impeachment deliberations conducted in September and October of 1986. This time it centered on how impeachment and removal of a federal judge might impede or slow down government operations. Some argued that the House and Senate, with their busy legislative agenda, really had no time to devote to the "adjudication" of whether "high crimes and misdemeanors" had been committed by a sitting federal judge within the meaning of that phrase under article II of the Constitution. There were calls to delegate the impeachment function to a panel of judges so that they could conduct a type of "peer review"; there were other suggestions to simply allow a small number of designated members of Congress to make all the required findings and spare the full House and Senate the responsibility of developing a case, hearing the evidence and casting a vote on removal. There was even a call to delegate Congress' prescribed constitutional role in impeachment to a non-governmental group of experts. None of these suggestions for radical surgery of the impeachment process were ac-

cepted, even at the height of legislative activity at the close of the 99th Congress. In the end, as with the congressional impeachment actions in 1973, the proceedings reaffirmed both the delicacy and durability — as well as the wisdom — of existing constitutional procedures.

While the public trust was reaffirmed in the recent impeachment trial, only a short time later it is once again being sorely tested with revelations of the Iran/Contra arms deal. As a member of the House Select Committee chosen to investigate this controversy, I am under constraints in speaking publicly of the facts or direction of the investigation. But the importance of a thorough investigation cannot be overemphasized. The larger issues raised by the Iran/Contra arms affair are not simply the coherency of American foreign policy in the Middle East or in Central America, though those policies are of great importance. The fundamental questions posed — just as in the Watergate crisis — have to do with the executive's misunderstanding of the rule of law that lies at the heart of our American democracy. Nothing undermines the rule of law more than the desire of some temporary government — even for purposes believed to be good — to set aside the law, distort it or ignore it.

Because ours is a system where the ends *never* justify the means, I believe the American people — as well as the rest of the world — look upon the United States as a "nation of laws", in keeping with the preamble's promise of the "establishment of justice." For all the inconsistencies of policy, for all the arrogance of power exhibited by certain Administration officials who secreted their schemes from the open purview of Congress and the American people, the rule of law can in the end restore the people's compact of trust with the government. That confidence has been impaired, and cannot be restored by either cover-up or burying our heads in the sand.

Restoring public trust is only possible if all the facts come out. Some in this country and outside of it have lamented that America may become "bogged down" in what they call its "relentless, investigatory ordeal." But such self-examination is what has preserved this country's commitment to the rule of law. A democratic government is only as strong as the confidence of the people in the integrity of its institutions.

At the outset, I mentioned the dovetailing effect of the varied, but interrelated, purposes encompassed within the preamble's statement of purpose. I have also spoken of certain balancing powers of

government, which, even though under assault, continue to respond to any dislocations in the exercise of governmental powers by any branch of government. But before departing, I feel it incumbent to move from principles and statements of intent to the *actual state* of the social compact today.

What is government doing now to provide for the "general welfare" and "secure the blessings of liberty" for all Americans? If the social compact in practice does not serve each of us, irrespective of race, religion and class, then, by definition, it is a limited guarantee, and unworthy of the document which launched this republic 200 years ago.

In assessing the situation, I must admit to being slightly confounded by certain statements and policies that I have recently noted. Today, there is much talk of the fact that we live in an interdependent world, undergoing rapid technological and economic change. We all have expressed worry to ourselves and others that America may not be saving or investing enough for the future, that we are helplessly watching as jobs are destroyed and communities uprooted because of a failure to be competitive in the international marketplace.

And yet, even as these concerns are voiced, the economic and fiscal priorities of the Administration proceed as if these concerns are irrelevant, or of only secondary importance. For six years, the Administration has not offered a balanced budget — neither in the bottom-line budget figures nor in balanced priorities.

How — if competitiveness and productivity are the gateways to the 1990's and beyond — can education, research and development, the rebuilding of the nation's infrastructure, and the modernization of heavy industry be relegated to such low priority in the budgets we have seen sent up to Congress in the past six years?

Psychologists have coined the phrase "cognitive dissonance" to characterize that state of mind where we say one thing about what we believe in, but proceed to act in a manner inconsistent with those stated values — all the while oblivious to the contradiction in action and thought.

Are we, as a nation, moving on a path of contradictory values and actions? I have my fears. America's standing in the world depends not only on its military strength, but also on its capacity to make social and economic choices to ensure that we remain a truly democratic, people-caring nation. But, if we rely solely on missiles and warheads, and neglect the other challenges at home, we will have embarked on a formula for the making of a second-class world

power.

As I study the new budget offered by the Administration for fiscal year 1988, the President proposes another Pentagon funding increase of three percent after inflation. This comes after the defense budget has already increased 117 percent since 1980. Hardest hit in the new proposal are education, health and medical programs. I must ask in this year of bicentennial, if we accept such priorities, are we really living up to the preamble's prescription for balance, and the pledge of trust in meeting the needs of the people and "securing the blessings of liberty to ourselves and our posterity?" Are we living up to our compact with the people?

Does not the social compact include the right of all Americans to share in some measure of economic well-being in their personal lives? Do we simply forget about the homeless, saying there is nothing we can do because they fail to have a fixed address for mail? Do we tell our youth and their families that they may have to defer or completely miss the opportunity to pursue the avenues of higher education because of financial barriers? What about scientific research and development? What about the medical research challenges of cancer and AIDS facing our society? And is the message to our elderly that, even if you give forty or fifty years of productive service to community and country, it is your problem alone to cope with catastrophic illnesses in your later years? Isn't the government "in mingling diverse purposes in due proportion" — as Madison put it — responsible for confronting these issues?

The answers to these questions are indeed crucial for the "general welfare" and the "blessings of liberty" guaranteed for each of us. But they are just as essential for the collective policy of state — the government — to answer as well. The covenant of trust requires no less.

The Constitution is a precious document. It has passed from generation to generation. As its beneficiaries, we — all of us — have an obligation to act as its trustees — guarantors — of this system . . . to guard jealously the rights and protections it promises . . . to secure the blessings of liberty for all and ensure that those rights and protections are neither destroyed nor chipped away.

Benjamin Franklin long ago reminded all of us that preservation of our form of government depended on our constant vigilance. Franklin one time was asked what kind of government we had, a republic or a monarchy. Franklin replied, "a republic, if you can keep it."

In this bicentennial year, let us all pledge to preserve the ideals

on which our nation was founded. Let us leave the Constitution for our inheritors as unimpaired as it was left to us. Let us assure all citizens that our fundamental law, our bedrock principles, our system and its institutions will endure. In this way, we — just as those who came before us — will reaffirm the compact with the people.

